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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,998	01/11/2001	Wayne J. Schmidt	291958118US3	1313

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EXAMINER

UNDERWOOD, DONALD W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <u>09/759998</u>	Applicant(s) <u>Schmidt, et al</u>	
	Examiner <u>Underwood</u>	Art Unit <u>3652</u>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/06/03
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-14, 35, 36 & 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-14, 35, 36 & 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

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### **Detailed Action**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 6-10, 2, 4, 35, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueyama et al in view of Skrobak and Miyamoto et al and Olson.

Ueyama's vertical member moves vertically and rotates. While Ueyama is silent on his actuators, it would have been obvious to use actuators in view of the teaching in Skrobak (elements 18, 24 and 20).

Ueyama's figure 2 discloses hands for handling wafers. It would have been obvious to rotatably mount these hands as taught by Miyamoto to provide for wafer inventing to permit treatment to both sides of the wafers.

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Finally, it would have been an obvious substitution of equivalents to use a gripper as taught by Obson in lieu of the gripper in Ueyama.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueyama et al in view of Skrobak and Miyamoto et al and Olson as applied to claim 6 above, and further in view of the following comments.

Note Ueyama, column 8, lines 40, 41, sets forth that the arm moves back and forth and figure 6 in Ueyama shows that articulated links structure can be used to provide this movement. It is inherent that Ueyama uses an actuator to articulate the arm. Moreover, Skrobak teaches using an actuator to articulate an arm and render obvious the use of such in Ueyama.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueyama et al in view of Skrobak and Miyamoto et al and Obson as applied to claim 6 above, and further in view of Oda et al.

It would have been obvious to use any conventional track in Ueyama including that claimed by applicants in view of the teaching in Oda (elements 7, 8).

6. Claims 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueyama et al in view of Shrobak and Miyamoto et al and Olson as applied to claim 6 above, and further in view of Lange.

It would have been obvious to use any conventional sensor to sense a wafer presence on the end effector in Ueyama including one as taught by Lange (element 11).

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7. Applicants' remarks have been carefully considered but are not deemed persuasive. Claims 5-13, 20, 35, 36 and 39 were rejected in paragraphs 4, 5, 6 and 7 on page 3 of the first Office action.

These claims were also listed as rejected on the PTO-326 form accompanying the first Office action.

The rejections of claims 6-10, 35, 36 and 39 were repeated above. The rejections of claims 2, 3, 4, 5, 11, 12, 13 and 14 have been restated since they were amended to depend on claim 6 instead of claim 1.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication should be directed to D. Underwood at telephone number (703) 308-1113.

Underwood/vs  
December 18, 2003

*Donald W. Underwood* 12/19/03  
**DONALD W. UNDERWOOD**  
**PRIMARY EXAMINER**